

COUNCIL CHAMBERS--CITY COUNCIL
CITY HALL--CITY OF LODI
Wednesday, October 2, 1935

The City Council of the City of Lodi met at 8:00 o'clock P.M. of Wednesday, October 2, 1935. Mayor G.M. Steele called the meeting to order and the Clerk called the roll:

Present: Councilmen, Clark, Graffigna, Spooner, Weihe and Steele.
Absent: Councilman, None.

On motion of Councilman Spooner, seconded by Councilman Weihe, the following resolution was introduced and read at length by City Attorney Glenn West :

RESOLUTION NO. 807

WHEREAS, the City Council of the City of Lodi heretofore duly and regularly passed and adopted its Resolution No. 802 directing the issuance of certain bonds of the City of Lodi to be known as said city's 1935 Electric Bonds; and

WHEREAS, said City duly and regularly caused notice to be given inviting bids for the sale of said bonds and providing that said bids should be opened at eight o'clock in the afternoon on September 30th., 1935; and

WHEREAS, an action has been commenced in the Superior Court of the State of California, in and for the County of San Joaquin, therein numbered 27119, and entitled "Pacific Gas and Electric Company, a corporation, Plaintiff, vs. The City of Lodi et als, Defendants", wherein a certain temporary restraining order to show cause was issued, which temporary restraining order and order to show cause, together with copy of summons and complaint in said action were served upon said City and all the members of the City Council thereof, who are named in said action as defendants, on September 30th, 1935, and prior to eight o'clock in the afternoon of said day; and

WHEREAS, a suit in equity was commenced on September 30th, 1935, in the District Court of the United States for the Northern District of California, Northern Division, being Equity No. 12445, entitled, "Pacific Gas and Electric Company, a corporation, Plaintiff, vs The City of Lodi, et al, Defendants" wherein a "Temporary Restraining Order" was issued and served upon said City of Lodi and the said councilmen as defendants named in said suit, on September 30th, 1935, and prior to eight o'clock in the afternoon of said day in and by which last-mentioned "Temporary Restraining Order" the said City of Lodi and the said city councilmen and the said City Council of the said City of Lodi, are restrained, among other things, from selling, issuing, signing, executing, delivering or otherwise disposing of any and all of said 1935 Electric Bonds; and

WHEREAS, several prospective bidders appeared at the meeting of said City Council at 8:00 o'clock in the afternoon of September 30, 1935: and whereas, said prospective bidders failed and refused to make any bids or offers to said city for said bonds, because of legal proceedings and particularly because of said "Temporary Restraining Order and Order to show Cause" and said "Temporary Restraining Order"; and whereas, because of the premises, no bids have been received for the purchase of said bonds;

NOW, THEREFORE, BE IT RESOLVED, that the matter of further advertising for the sale of said bonds, and the matter of the selling, issuing, signing, executing, delivering or otherwise disposing of any or all of said municipal bonds, be and the same are hereby deferred and continued until further order, resolution or direction of said City Council.

BE IT FURTHER RESOLVED, that it is not the intention hereby to revoke or rescind in whole or in part the said Resolution No. 802 nor any resolution or order heretofore passed or adopted by said City Council.

The foregoing Resolution No. 807 was then passed and adopted by the following vote:

AYES: Councilmen, Spooner, Clark, Graffigna, Weihe and Steele.
NOES: Councilmen, None.
ABSENT: None.

City Attorney Glenn West then reported orally upon the status of the pending suits of Pacific Gas and Electric Company against the City.

At the order of the Mayor, none dissenting, the City Council adjourned to and until the date of its next regular meeting. *J. H. Steele City Clerk*